

REMARKS

Applicant respectfully requests that the above-identified application be re-examined.

The October 5, 2010, Office Action ("Office Action") rejected Claims 1 and 3–18 under 35 U.S.C. § 103(a) as obvious in view of the teachings of AU 38285/93. The Office Action expressed the view that, while AU 38285/93 does not disclose a cover that extends the length of a steam generation chamber, such a cover would have been a matter of design choice and within the realm of one of ordinary skill. The Office Action is obviously of the view that this is the only difference between the apparatus disclosed in AU 38285/93 and the presently claimed subject matter. While applicant does not agree with this simplistic view of this reference, in order to advance the prosecution of this application, the independent claims have been amended to highlight the differences between the teachings of AU 38285/93 and the claimed subject matter. AU 38285/93 is in the name of APV Baker Pty Ltd, which is a company owned by the assignee of this application. As the record of AU 38285/93 shows, the subject matter of AU 38285/93 was invented by the same inventor as the present application. The primary objective of AU 38285/93 is to provide a heating element in a baker's oven that is easily cleaned (page 3, lines 15–17). AU 38285/93 is further directed to providing a heating unit in combination with a steaming unit that prevents water striking a product (page 3, lines 20–22). This objective among other objectives is achieved by the assembly shown in Figures 3 and 4 and a second embodiment shown in Figure 5.

The objectives of AU 38285/93 are accomplished by a steaming system in which a water pipe 14 is supported in aligned slots in the sides of side flanges 35, 36 of support plates 27. Water pipe 14 is retained in position by diffusible 837, which also serves to prevent water from being reflected upwardly onto the product. The embodiment of Figures 3 and 4 do not include ballast bars or heat sink members (recited in present Claim 1).

The embodiment of FIGURE 5 shows the use of ballast bars 140, primarily to prevent water puddling in the support plates 127. (Page 8, line 33, to page 9, line 4.) The use of ballast bars produces steam rapidly and, in the context of AU 38285/93, was thought to prevent puddling. It is also apparent that the steam chamber of FIGURE 5 does not have a cover, nor even a diffuser plate, as is shown in Figures 3 and 4. This is because the problem of water puddling with the use of ballast bars was thought to be no longer an issue, as it was when ballast bars were not used.

Hence, the only reason that AU 38285/93 discloses a diffuser plate is to prevent water splashing onto the product (embodiment of Figures 3 and 4). Applicant submits that this would be apparent to a person of ordinary skill upon reading this document.

It is also worth noting that none of the embodiments of AU 38285/93 includes a combination of a ballast bar and a cover over the heating elements. While a person of ordinary skill might consider modifying the embodiment of Figure 5 with a diffuser as shown in Figures 3 and 4, such a combination would not produce a structure that falls within the scope of present Claim 1. Additionally, while a person of ordinary skill might consider modifying the embodiments of Figures 3 and 4 by providing a ballast bar of Figure 5, this combination also would not include all of the features of Claim 1, as it would not include a cover that extends substantially the length of a steam generation chamber.

Additionally, AU 38285/93 states at page 4, lines 26-32, that the use of a diffuser plate or ballast bars are an alternative. This statement teaches away from the Office Action's proposition that a person of ordinary skill would mix and match the features out of alternative embodiments in order to arrive at the claimed subject matter. There is simply no teaching or suggestion in AU 38285/93 that would lead a person of ordinary skill to such a steaming device without the benefit of hindsight based on the subject matter disclosed in this application. The teachings of AU 38285/93 simply do not form a basis upon which to arrive at the claimed invention. Even if

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a skilled person were to use each of the features of a diffuser plate and a ballast bar as shown in Figures 3, 4, and 5, such a combination would still be deficient by failing to include all of the features of current Claim 1, since it would not include a cover that extends substantially the length of the steam generation chamber.

The Office Action states that the use of a cover that extends the length of a steam generation chamber is a matter of design choice. Applicant disagrees. Moreover, AU 38285/93 does not disclose the use of ballast bars (heat sink members recited in Claim 1) and a diffuser plate in the same embodiment, nor does it disclose a cover that extends the length of the steam generation chamber as a design choice. Nor does AU 38285/93 describe any motivation that would make such a design choice desirable. A cover that extends the length of the steam generation chamber is one design choice of a number of design choices, any of which could potentially be attempted with no probability of success. An equally likely and perhaps more likely alternative would be to simply punch holes in a diffuser plate that extends part of the way along the steam generation chamber. It is only by using a cover that extends the length of the steam generation chamber and the use of ballast bars that allow only steam to exit the steam generation chamber with no prospect of water droplets contacting the baking product. Furthermore, the steam generation chamber is defined as releasing the steam generated to the oven compartment through at least one steam outlet. Figure 5 of AU 38285/93 clearly does not have a defined steam outlet, since steam simply rises after it has been generated. Furthermore, the embodiments of Figures 3 and 4 do not have a defined steam outlet, nor do they have a steam generation chamber that is closed at one end and has a steam outlet at or adjacent the other end.

There are a number of design choices that could have been adopted in AU 38285/93; however, none of these choices would have resulted in the subject matter recited in Claim 1. It is only going contrary to the teachings of AU 38285/93 and then further extending the diffuser plate to cover the steam generation chamber that one arrives at the structure recited in Claim 1.

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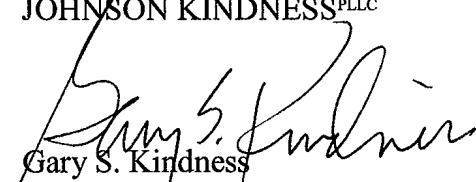
This combination and adoption of random features is beyond the motivation and skill of the ordinary skilled person. Hence, the ordinary skilled person would not have found it obvious to produce the subject matter recited in Claim 1 from AU 38285/93 at or adjacent the end opposite to the end containing the steaming pipe.

To further distinguish the invention from the prior art, the independent claims have been amended to clearly recite a heating element chamber adjacent the covered steam generation chamber where the heat sink member resides in the steam generation chamber. This amendment further distinguishes the invention from the embodiments of Figures 3 and 4 of AU 38285/93. Additionally, new claims have been added that define the steam outlet from the covered steam generation chamber as being towards the rear of the oven compartment.

In summary, applicant submits that all the claims remaining in this application, particularly as amended, are clearly allowable in view of the cited art, namely, AU 38285/93. Consequently, early and favorable action allowing these claims and passing this application to issue are respectfully solicited. If the Examiner has any remaining questions, he is invited to contact applicant's attorney at the number set forth below.

Respectfully submitted,

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